



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,824	11/07/2000	Edward Howorka	P/3331-111	1358

7590 01/13/2006

STEVEN I. WEISBURD, ESQ.
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
1177 AVENUE OF THE AMERICAS - 41ST FLOOR
NEW YORK, NY 10036-2714

EXAMINER

BEACH, THOMAS A

ART UNIT

PAPER NUMBER

3671

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/707,824	Applicant(s) HOWORKA, EDWARD	
	Examiner Thomas A. Beach	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ad amendment filed 10/11/05.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-60 and 64 is/are rejected.
- 7) ☒ Claim(s) 61-63 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged and accepted.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "providing and indication...more than one but less than all" and the "graphical indication of the percentage" on a screen must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. Claims 9-27, 30-52, 54-60, and 64 are rejected under 35 U.S.C. 102(e) as being anticipated by Lupien et al 5,101,353. Lupien shows a process for displaying quotes on a trader screen in an automated system that includes a plurality of traders with some having bilateral credit with one another (those being trading counterparties; claim 30) displaying a quote by a first trader and providing indication of the quote being accepted by more than one but less than all of the counterparties (fig. 2) as a percentage compared to the total number that is above 25%, since 78% is shown in figure 2 (col. 8, lines 1-18; claims 14-16, 20, 25-27, 41-42, 45; and 49-51). Lupien shows (fig 2 & col. 8, lines 10-18) that the first trader's trading counterparties can accept the first traders' quote if it is the best available (claims 10, 19, 21, 34, 38, 46 and 56) if it is the best price available (claims 11, 22, 35, 39, 47 and 57-60) or equal in price to another quote that is first in time relative to another quote (claims 12, 23, 32, 36, 40, 44 and 48). Lupien shows the traders having bilateral credit with one another that is determined in real time in order to remain a trading counter party (abstract; claims 13, 24). Lupien shows the determination of the number of trading counterparties, determining a percentage who can accept the quote and providing the indication to the first trader when the percentage

Art Unit: 3671

is greater than or equal to a predetermined percentage and determining the number of counterparties who can accept the quote and comparing that number to the total number where the trading floor contain one or more individuals and the trading floor grants credit to the other trading floor "auto-traders" 72/76 (claims 17, 43, and 54) and the traders are individuals 38 (claims 18, 31, 55, and 64).

Claim Rejections - 35 USC § 103

4. Claims 28, 29, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lupien et al 5,101,353 in view of Nevo et al 5,946,666. Lupien does not display the percentage of those with bilateral credit; however, Nevo is a similar process for displaying quotes on a trader screen in an automated system where the percentage of yields are displayed as a visual performance factor. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lupien, as taught by Nevo, to display the percentages of possible traders historically thus in a graphical format, to improving the visual information from which a trader can make an informed yet decisive decision to trade or not.

Allowable Subject Matter

5. Claims 61-63 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments with respect to claims 9-64 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Beach whose telephone number is 571.272.6988. The examiner can normally be reached on Monday-Friday, 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 571.272.6998. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/707,824

Page 6

Art Unit: 3671

Thomas A. Beach

January 6, 2006

THOMAS A. BEACH
Patent Examiner
Group 3600